

THE INDEPENDENT

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HELENA, MONT., NOV. 19, 1889.

HOW THE FRAUD WAS WORKED.

In our review of this election matter we have reached that portion of the history where we find the state canvassing board in session. In our opinion it ought still to be in session, for, as we expect to show, it could not count the returns until all the returns are in, and as the returns are not in from Silver Bow, the board ought still to be in session. Let its members remain for a few moments where they ought to be while we turn our attention to the Journal and other matters. Our authorities are the republican judges, Judge Knowles and Judge Wade; but, Mr. Editor of the Journal, you are an unfortunate, self-dissatisfied individual. You select the authorities for our argument, and then declare that you are not satisfied. We were not writing for you; as we said, we were writing for fair-minded republicans; we did not intend or hope to reach aspirants for senatorial honors, who aspire through trickery. You have undertaken many things, Mr. Editor; you have succeeded in none; we cannot hope that you will succeed in understanding even the right. We cannot say to you with any hope of the accomplishment of our wish, "Fare thee well," or, "God be with you," or its contraction, "Good bye," so good day.

Now to our subject: We love consistency above all things. We have read that precinct 34 shows upon its face the fraudulent character of its votes, because 171 votes out of 174 were cast for the democratic ticket. This made a conclusive argument of fraud, which smote the political conscience of the leaders of this movement terribly. How kindly, how tenderly, how adoringly these leaders look upon the returns from Craig, where the republican ticket received every vote cast; and the returns from Bonner precinct inspire them to imitate the songs of Solomon in worship of rectitude; still in Bonner the republican ticket received 150 votes out of a total of 152.

These same men were horrified at the idea of Judge DeWolfe sitting in judgment of the mandamus case, because he was a defeated candidate, because he was sitting in review of a personal matter. How sweetly silent are they as to the propriety of Chief Justice Blake sitting upon a canvassing board to count the returns that should elect him, to authorize the issuance of his own certificate, to increase his salary from \$3,000 per year to \$4,000 per year.

Bah! The hypocrisy of these men is a stench in one's nostrils; let us turn from the worst to the worse.

Here we have a chance to again review the proceedings calmly.

In THE INDEPENDENT of Nov. 5, will be found an interview with ex-Gov. White. Gov. White then stated that he was in favor of throwing out the entire vote of Silver Bow county because the returns were not certified to, but it was thought that the vote for the constitution should be as large as possible. What a text! Kind reader, remember this: we will use it, and we will use some other portions of that interview. But, governor, why did you act as you did if you favored the throwing out of the entire vote of Silver Bow county? Who changed your favor? It was not the attorney general, that much we are sure of; yet, governor, you are aware that he was the attorney general, your adviser in all the duties pertaining to your office and involving a question of law? Was it not Seligman, governor? No. Was it not Sanders or the son of his father, both of them aspirants for senatorial honors? Can it be, governor, that your adviser was White, also an aspirant for senatorial honors? Come, governor, who advised you that you could count any returns from Silver Bow county, when you declare in that interview as well as in your official reports, that you had no certified abstracts from Silver Bow county? Ah, governor, we are somewhat ashamed of you. But you know no better.

Let us turn our attention to Mr. Canvasser Blake. Remember we are not dealing with Chief Justice Blake; we respect the ermine. But Mr. Canvasser Blake did know the law. Let us see how he applied it, and in doing so let us look calmly and fairly giving our authorities as we go.

Section 8 of the enabling act of congress, after providing for the submission of the proposed constitution to the votes of the people, reads thus: "The returns of said elections shall be made to the secretaries of each of said territories, who, with the governor and chief justice thereof, or any two of them, shall canvass the same; and if a majority of the legal votes cast shall be for the constitution the governor shall certify the result for the president," etc.

Now in all fairness, what were they to

canvass? They were to canvass the return of the votes upon the question of the adoption of the constitution, and nothing more as we expect to show—certainly nothing less than the returns of the whole legal votes cast upon that question. That much is certain. Their duty was a statutory duty; it could not be performed until the returns were in, that is until all the returns were in. If they could count without the returns from precinct 34, they could count without any number of precincts; they could leave out one or all but one county in the territory. They had no right to count until all the returns were in, that is sure; that was a condition precedent to any official action on their part. But what right had they to deprive one citizen of his lawful right to vote for or against the constitution. Governor White, so you wanted to swell the vote for the constitution? Governor, why did you also count the vote for the officers, when you declare that you had no certified abstracts from Silver Bow county? Senatorial Aspirant White, you wanted to control the legislature.

Such then was their duty; to count all the returns and not less than all; they were obliged to meet on the thirtieth day after the election; there was no time fixed for the completion of their duty; their duty did not commence until all the returns were before them. Canvasser Blake knew well that in a few days the returns could all be had from Silver Bow county; but he could not wait; he also knew that a writ had been issued commanding the full count of the vote, but he could not wait.

What did he? Let us return to our editorial of Saturday, to the report filed by the board, and to the interview with Governor White. From all it will appear by the very confession of the members of the board, that they had no proper return from Silver Bow county; it will also appear that Governor White individually stated that they had no certified copy of the abstract of the votes from Silver Bow; it will appear that they twice officially declared that they were without such returns; let—Because they sent Mr. Webster for such returns and he brought them nothing; 2nd—In their official report they say: "Being, therefore, without any proper copy of the abstract of votes cast in Silver Bow county"—etc.

This is shocking. The power of that board was to count the returns—no power had been given them to count anything else. The returns on file were to be the source of their information; they and they alone were made that source by the very act of congress that created the board. The report says: "It now becomes our duty to ascertain and declare the same from the best sources of information obtainable." Was it your duty to do so, Mr. Blake? What law made it your duty so to do. The source of your information was made the returns. Where else did you obtain your information? Where else could you obtain it? But you admit that you had no returns from Silver Bow; because you say so, and because you send your messenger for them. It is bad enough for Governor White to say that he purposed to count without any returns, but it was worse for you to count from guess.

But this is not the weakest feature of that report. It says: "Being, therefore, without any proper copy of the abstract of votes cast in Silver Bow county, and having exhausted the authority given by the statute in endeavoring to obtain the same," etc. What bosh! Did you exhaust your authority? If you did, no one ever heard of it; no one ever knew that you applied to any court for a writ of mandate directing the clerk of Silver Bow county to make a return of the abstract of the votes of Silver Bow. No one ever heard of such an act taken by you. Judge Blake must have known that the board had that right left, if Canvasser Blake did not know it. And surely if Canvasser Blake could go hunting around the country for "the best sources of information possible," it would not have been wrong for him to go to Chief Justice Blake and ask of him what rights Canvasser Blake had in the premises. At any rate the attorney general could have and would have advised the governor and secretary that they had not "exhausted the authority given by the statute."

HARMONY, SWEET HARMONY.

THE INDEPENDENT's exposure the other day, in a dispatch from Butte, of Herschfield's still hunt for a senatorship in case the steal of the legislature was finally consummated, has driven all the senatorial birds from under cover. The Townsend News in an article evidently inspired by Bernard makes a savage attack on Sanders. It says of THE INDEPENDENT's article:

The author is none other than a defeated republican office-seeker, who, smarting under the sting of defeat, is running amuck in the senatorial arena, hoping by a chance blow to clear the way for his own advancement. The article in THE INDEPENDENT bears such evident ear-marks that all true republicans cannot fail to see that its author is bent on ruling or ruining the party. The republican party is bigger than any man, and that man can surely make himself more comfortable by settling his grievances with the party fold than by running to rampant bourbon sheets for the purpose of making covert attacks on the old wheel horses of the party. One of the objects of the "dispatch" was to discredit the candidacy of Hon. L. H. Herschfield for the senate. We do not know that Mr. Herschfield is a candidate for that high station, but if he be he is too big a man to be driven from the field by the author of the dispatch mentioned or

his wretched mouthpiece, THE INDEPENDENT. Mr. Herschfield's conservatism and business ability eminently fit him for any office in the gift of Montana and he would represent the state in the national senate in a way which would secure for it at once a foremost standing in the union.

But the Billings Gazette demands to know "if Tom Power is to be swindled out of a seat in the senate," and adds:

The legislature will send to Washington two republicans to represent Montana in the United States senate. One of those men should be Tom Power. He deserves to be recognized and we predict that all the small counties which voted so solidly for him in the recent contest will send their representatives up to Helena when that body convenes with the same convictions and which no set of men can change.

And our esteemed contemporary, The Sun River Rising Sun, rises to remark:

Yes, send Tom Power to the United States senate from the east of the range and Lee Mantle from the west. We believe these two men would make a good team in the senate, well mated and full of "Get There."

The Great Falls Leader, however, which lustily blows the horn for Sanders, dismisses Herschfield and Power with this contemptuous paragraph:

Tom Power would make a first-class governor and so would Herschfield. Neither of them, however, claims to possess qualifications for a United States senator.

The Boulder Age in turn knocks Sanders into smithereens by declaring that there was never an occasion "when there was a contest between the people of Montana and a corporation, that Col. Sanders didn't take the side of the corporation." As for Mantle the Age jumps on the Butte statesman with both feet. It says:

Lee Mantle is simply and purely a political slyster whom it would be a disgrace to Montana to send as a representative to the United States senate. He is a canner on the face of the body politic, the result of the vicious and soul-destroying caucus system. It is becoming the rule that the caucus is higher than party, higher than reason, higher than principle, and such excrecence as Lee Mantle are the inevitable result. Without the honorable men ignobly yielding to the supreme power of the caucus, such men as he would never be heard of except as ward politicians, and then only in the rottenest wards.

And thus the quarrel rages over the division of the swag. Herschfield is undermining Sanders; Mantle has pulled the props from under Power; White is working for himself; Power is sick of the whole business, and poor old Sanders, the brains of the band, finds he is playing a lone hand against the entire gang.

But their troubles are nearly over. Next week the legislature of Montana will elect two democrats to the United States senate.

No, no, no old tricks,
 No, no, no 'seventy six!

AT THE COURT HOUSE.

Gov. Toole spends most of his time at the Hotel Broadwater, where he is preparing his message to the legislature.

The territorial seal of Montana is still in use. A state seal can not be had until the legislature meets and takes action on the matter.

State Auditor Kinney returned from Missoula yesterday. He says he will not bring his family to Helena until war is over and peace declared.

Articles of incorporation of the Butte Butchering company have been filed with the secretary of state. The capital stock is \$50,000 in 100 shares of \$500 each. The trustees of the company are N. J. Bienenberg, Levi Carter, Henry Nichols, H. P. Wheeler and William Saxon, of Butte.

State Treasurer Hickman, of Virginia City, qualified yesterday and will assume the duties of his office to-day. His bond, fixed at \$150,000, has been filed with the secretary of state. His bondsmen are Henry Elling, Simeon R. Baford and Fayette Harrington, of Virginia City; Benjamin F. White, of Dillon; Thomas C. Power, of Helena, and Amos C. Hall.

Gov. Toole has received the following:

DEPARTMENT OF STATE,
 WASHINGTON, Nov. 11, 1889.

To His Excellency, the Governor of Montana:

Sir: I have the honor to transmit herewith a duly authenticated copy of the president's proclamation of Nov. 8, 1889, admitting the state of Montana into the union. I have the honor to be, sir, your obedient servant,
 JAMES G. BLAINE.

Attached to the type written copy of the proclamation is Secretary Blaine's certificate on which is the red seal of the department of state.

A Bissel carpet sweeper only \$2.10 at The Bee Hive.

Buy your fare this week at Fowler's Cash Store.

JOTTINGS ABOUT TOWN.

J. Pond, bound for San Francisco, and P. J. Cogswell for Tacoma, left via the Northern Pacific yesterday.

Wm. T. Nelson and May Hatton, both of this city, were united in marriage yesterday, Justice Fleischer doing the honors.

A basket sociable and picnic will be given by the members of Capital Lodge No. 2, A. O. U. W., at their hall Monday evening, Nov. 25.

The hearing by Judge Hunt of the application of the St. Louis company for a survey of the Drum Lammum mine was postponed until Thursday.

In the case of Mary Johnson vs. Hannah Larsen, tried in Justice Fleischer's court, the jury gave a verdict for the plaintiff in the sum of \$57.50, the amount sued for.

Martin Knapp, who swore out a complaint against several men who engaged in a fight at an East Helena dance last week, withdrew his complaint yesterday and came to the conclusion that he was as much to blame as the rest.

The first party of the Cottillon Club will be held at the Hotel Broadwater, Wednesday, the 20th instant. The motor leaves Rodney street at 8:15 p. m. and Main street at 8:25, and return at 1:30 a. m. The secretary requests that members who have not yet paid their dues will do so at once.

Ladies' heavy silk mittens only \$1.50—regular price \$2.50—at The Bee Hive.

They Both Went to Jail.

There was an amusing scene on Main street yesterday, when N. Friedman, a pawnbroker, and Jos. Gaspary engaged in a fight. The trouble, it is said, was about a woman. The gallants made a pass at each other and then secured a collar-and-elbow grip, and each wanted to take the other to the jail and neither wanted to go at the other's bidding. An officer solved the matter by marching both to jail.

A fine line of Holy pictures now on sale at The Bee Hive.

In Another Column.

See Louvre bill of fare for to-day.

BARGAINS!

\$5000 Buys 12-Room House
 Near Business Center.

\$6500 Buys New House that
 Cost Over \$7000.

\$1800 Buys New 5-Room
 House.

\$200 Buys Choice Lot Fronting
 Broadwater Hotel.

100 Feet on Main St.

VERY CHEAP!

Remember we are Agents for
 All the Choice Residence Property
 on the West Side.

Porter, Muth & Cox,
 GOLD BLOCK, HELENA.

MISSOULA

Real Estate!

The Most Desirable Property
 in this Growing City is now

Offered to those Desiring Quick
 Returns on Money Invested.

Lots can now be purchased
 that will yield Investors

100 PER CENT

within Ninety Days.

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ROOMS 6 AND 7,
 ASHBY BLOCK, HELENA, MONT

MONEY TO LOAN AT
 10 Per Cent.

For 3 to 5 Years Time on Real
 Estate in the City of
 Helena.

No Commissions. Interest payable semi-annually.
 MONEY FOR BUILDING PURPOSES.

When titles are perfect there will be no delay in closing loans.

Also money to loan on improved farms and ranches in Montana.

H. R. PALMER, Gold Block,
 Room 12, Second Floor

SUMMONS—IN THE DISTRICT COURT OF

the first judicial district of the Territory of Montana, in and for the County of Lewis and Clarke.

It is hereby notified that the undersigned, partners under the firm and style of Herrin & Company, plaintiff, vs. John Johns, defendant.

The people of the territory of Montana send greeting to the above named defendant.

You are hereby required to appear in an action brought against you by the above named plaintiff in the district court of the first judicial district of the territory of Montana, in and for the county of Lewis and Clarke, and to answer the complaint filed therein within ten days (exclusive of the day of service) after the service on you of this summons, if served within this county; or, if served out of this county but in this district within twenty days; otherwise within forty days, or judgment by default will be taken against you, according to the prayer of said complaint.

The said action is brought to secure judgment against said defendant for the sum of \$146.11, with interest thereon from the 1st day of October, 1889, at the rate of ten per cent per annum, for goods, wares and merchandise sold and delivered by plaintiff to defendant between the 2nd day of October, 1889, and the 15th day of October, 1890, and for costs of suit.

And you are hereby notified that if you fail to appear and answer the said complaint, as above required, the said plaintiff will take judgment for the sum demanded in the complaint, to-wit: \$146.11 and interest and costs of suit.

Given under my hand and the seal of the district court of the first judicial district of the territory of Montana, in and for the county of Lewis and Clarke, this 19th day of October, in the year of our Lord one thousand eight hundred and eighty-nine.

W. F. PARKER, Clerk.

A. L. Jotkin and George F. Shelton, attorneys for plaintiff.

NOTICE—THE UNDERSIGNED RESPECTFULLY

solicit bids for sinking and timbering shaft 500 feet on the Elizabeth claim of the Elizabeth Mining company. Said shaft is to be four feet six inches by fourteen feet eight inches in the clear and three compartment and timbered like the Ruby shaft of the Granite Mountain Mining Co.

Bids should be made on the basis of sinking by hand drilling or with air compressor and two air drills furnished, and bids should be in by December 1st.

The right to reject any and all bids is reserved. Parties bidding should state who their bondmen will be, as a bond will be required to insure the fulfillment of the contract.

Please make bids near Granite Mountain Mining Co., Granite, Montana.

ELIZABETH MINING CO.

RIGHT NOW!

In the Heart of the Season, Just
 When You Are in Need of
 Good, Nice, Warm Winter
 Clothing, is the Time
 to Look for Bar-
 gains.

No doubt you have often been disappointed by advertisements that promised wonders, and when you investigated you found that it meant an entirely different proposition, or that they were "just out of those goods," but would have some to-morrow, or else they would insist on showing you something else at prices they would not dare advertise.

What would be the object in advertising Ladies' Ribbed Cotton Vests (such as you wear in July and August) at this season of the year, even at 45c. a piece? It is simply a delusion and snare to get you in their stores.

What the Ladies want at this season of the year is the

SAXONY WOOL UNDERWEAR that we are selling for \$1.25 a piece, such goods as you pay elsewhere \$1.75 and \$2 for; Misses' and Children's proportionately as cheap, in all colors and sizes.

SENSIBLE CLOAKS

at sensible prices; Cloaks that wear; Cloaks that fit; Cloaks that are neat; Cloaks that are attractive; Cloaks at Prices that you can afford to pay for them; Cloaks for Ladies, Misses and Children. That's the kind of Cloaks we have to sell. We will discount ANYBODY'S prices on Cloaks, Ready Made Dresses, Tea Gowns and Wrappers for the next 30 days, and we have the largest assortment in Helena to select from.

We will offer some genuine bargains in Novelty Dress Patterns and Black Dress Goods this week.

We will save you money on all kinds of Dry Goods of same quality such as we offer. Investigate with intelligence, or ask those who have already done so. We don't expect every caller to buy. Come right in and look about you at the many Grand Bargains we are offering.

Raleigh & Clarke.

Ground Floor Bailey Building,
 HELENA, MONT.

ST. AMOUR & LAMBIE,

Real Estate & Mining Brokers,

ROOM 18, BAILEY BLOCK.

SPECIAL BARGAINS IN GREAT FALLS LOTS, BLOCKS OR ACRES!

Lots, blocks and Acres in any Part of Helena or Adjoining the City!

Money in any Amount at 10 Per Cent. No Commission and no Delays.

JARVIS-CONKLIN MORTGAGE TRUST CO.,

KANSAS CITY, NEW YORK, LONDON,

North and Wyandotte Sts. 239 Broadway. 95 Gresham Street.

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The Center of the Richest
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An Abundance of Pure
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With all of its Natural ad-
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INVEST NOW!

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